



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

JAN 27 2014

Joe Tague, Branch Chief
Renewable Resources and Planning
Bureau of Land Management, Nevada State Office
1340 Financial Boulevard
Reno, NV 89502

**Subject: Nevada and Northeastern California Greater Sage-Grouse Draft Land Use Plan
Amendment and Environmental Impact Statement (LUPA/EIS)
(CEQ # 20130311)**

Dear Mr. Tague:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The project provides guidance for the management of public lands administered by the Bureau of Land Management (BLM) and United States Forest Service (USFS). This guidance is the result of the March 2010 US Fish and Wildlife Service (USFWS) 12-Month Finding for Petitions to List the Greater Sage-Grouse (GRSG) as Threatened or Endangered. Through this process, the USFWS determined that including a commitment for GRSG conservation measures within BLM and USFS land use plans will increase species protection through improving regulatory mechanisms available to the two agencies that manage most federal lands in the West. The USFWS found that the lack of more robust existing regulatory mechanisms is one of the factors that poses "a significant threat to the GRSG now and in the foreseeable future".

The Draft LUPA/EIS describes and analyzes six alternatives for the addition of GRSG conservation measures to existing resource management plans for approximately 17.7 million acres of BLM and USFS-administered lands in Nevada and Northeast California sub-region. The LUPA/EIS does a good job of incorporating the existing GRSG information and research, and describes in detail the threats, challenges, and unknowns in protecting the various populations throughout this sub-region. While we are pleased that the LUPA/EIS addresses some of our scoping comments (including the need to include a robust climate change analysis, identify priority and general greater sage-grouse habitat (and anticipated changes over time), identify air quality impacts and consult with interested tribes), we are concerned that the preferred alternative may not be sufficiently protective to increase and/or maintain sustainable GRSG populations. Based on this concern, the EPA is rating the Draft LUPA/EIS Preferred Alternative as "Environmental Concerns – Inadequate Information" (EC-2) and we request additional information, as described below, for the EPA to fully assess environmental impacts. We have enclosed a description of the EPA's rating system.

Preferred Alternative

According to the information provided in the LUPA/DEIS, in general, the GRSG populations in the Nevada and Northeastern California sub-region are in a long-term decline and the supporting habitat is highly degraded in some areas. There are ongoing studies (the Northern Basin and Range Rapid Ecoregional Assessment, for example) and a high degree of uncertainty of the effectiveness of habitat restoration and existing Greater Sage-grouse populations.

The overarching environmental change agents that threaten GRSG that have been identified in the LUPA/EIS are: climate change, wildfires, invasive species, and development (both energy development and urban growth). The EPA commends the BLM for developing a broad range of alternatives that focus on specific conservation measures that address these threats. While the preferred alternative (Alternative D) has incorporated a number of protective conservation measures, we question whether this alternative goes far enough to avoid the continued decline of GRSG populations, and destruction, modification, or curtailment of the habitat upon which the populations depend. Therefore, we recommend that BLM and USFS consider incorporating elements included as part of other alternatives analyzed in the LUPA/EIS.

Recommendations:

- EPA recommends including the following elements as part of the proposed action
 - Designate additional acreage as Areas of Critical Concern (ACECs) for sagebrush habitat;
 - Considering additional road closures in support of resource protection;
 - Use only native ecotypes seedlings in restorations.
- Where feasible, restrict grazing and development in preliminary priority management areas and preliminary general management areas, and incorporate adaptive management to ease these restrictions when populations reach sustainable levels.
- Consider committing to specific objectives identified in Alternative E, including participation in the Nevada Sagebrush Technical Team and Nevada Sagebrush Ecosystem Mitigation Bank program. We understand that the BLM has been working closely with the state of Nevada to align Alternative E with the preferred alternative.

Effectiveness of Conservation Measures

The LUPA/EIS includes substantial information broken down by the GRSG management zones; population and subpopulations; habitat conditions; past, present and future threats; restoration potential of the sagebrush communities; GRSG population estimates; and current conservation efforts. We note that there are different threats and challenges, and ongoing conservation efforts, for the populations/subpopulations.

Recommendation:

In the FEIS, include a section that identifies the most appropriate conservation measures to alleviate each threat for each identified GRSG population/subpopulations and discuss the likelihood of the success of each measure. For example, because each threat may impact each subpopulation differently and each conservation measure will have varying effectiveness in different geographic areas, we recommend a table clearly indicating each

subpopulation, geographic area of occurrence, conservation measure to be applied, and likelihood of success.

Monitoring and Mitigation and Enforcement

The BLM and USFS intend to develop an adaptive management plan to ensure that unintended negative impacts will be addressed before consequences become severe or irreversible, and to provide regulatory certainty to the USFWS that appropriate action will be taken (p. 52). The document indicates that monitoring data will provide the indicator estimates for adaptive management. We strongly support the adaptive management approach; however, we question whether the resources will be available to follow through with necessary monitoring and enforcement, and we note that the LUPA/EIS does not identify sufficient funding sources to implement the various conservation measures. The document indicates that funding support and dedicated personnel for broad and mid-scale monitoring will be renewed annually through the normal budget process. However, we understand that funding for programs such as hazardous fuels reduction may be significantly reduced.¹

Recommendation:

The EPA requests that the BLM and USFS provide additional information describing the resources that will be committed for implementing and enforcing the conservation measures, assessing information necessary to evaluate the effectiveness of land use planning decisions, and implementing the adaptive management plan.

We appreciate the opportunity to review this Draft LUPA/EIS, and are available to discuss our comments. When the Final LUPA/EIS is released for public review, please send one hard copy and one CD-ROM to the address above (Mail Code: CED-2). If you have any questions, please contact me at 415-972-3521, or contact Anne Ardillo, the lead reviewer for this project. Anne can be reached at 415-947-4257 or ardillo.anne@epa.gov.

Sincerely,



For

Kathleen Martyn Goforth, Manager
Environmental Review Office

Enclosure: Summary of the EPA Rating System

Cc: Steve Abele, US Fish and Wildlife Service

¹ Page 467 of the LUPA/EIS states "funding for the hazardous fuels reduction program continues to fall. For fiscal year 2014, a significant reduction will be seen in Nevada. The anticipated reduction in the hazardous fuels program is between 47 and 56 percent. This lack of funding will result in Nevada not being able to maintain full-time staff at current levels, allow for maintenance of ongoing fuels projects, or start new projects. As such, projects to enhance GRSG habitat will be significantly reduced".

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.